

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0204

HOUSE BILL NO. 1008

Introduced by: The Committee on Local Government at the request of the Office of the
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning absentee ballots.
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 12-19-2.1 be amended to read as follows:

4 12-19-2.1. At anytime prior to an election, a voter may apply in person to the person in
5 charge of the election for an absentee ballot during regular office hours up to 3:00 p.m. ~~of~~ on
6 the day of the election. If the voter applies in person, the voter shall show the person in charge
7 of the election the voter's identification card as required in § 12-18-6.1 or complete the affidavit
8 as provided in § 12-18-6.2.

9 In the event of ~~sickness or~~ confinement because of sickness or disability, a qualified voter
10 may apply pursuant to the provisions of § 12-19-2 in writing for and obtain an absentee ballot
11 by authorized messenger so designated over the signature of the voter. The person in charge of
12 the election may deliver to the authorized messenger a ballot to be delivered to the qualified
13 voter. An application for a ballot by authorized messenger must be received by the person in
14 charge of the election before 3:00 p.m. the day of the election. If an application designating an
15 authorized messenger also indicates a request for an absentee ballot for any future election, such



1 absentee ballot shall be mailed to the address provided on the application. If no address is
2 provided, the ballot shall be mailed to the person's voter registration address.

3 Section 2. That chapter 12-19 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If any voter who had previously filed an application or request for an absentee ballot submits
6 another application or request for the same election with an updated address, the county auditor
7 shall send an absentee ballot to the new address. If any voter who had previously filed an
8 application or request for absentee ballot appears at the county auditor's office, the voter may
9 complete another application and be allowed to vote an absentee ballot. If any voter who filed
10 an application or request for absentee ballot notifies the county auditor that the voter never
11 received that ballot, the voter may request that another ballot be sent to the same address. The
12 provisions of this section only apply to a person who has not voted or returned an absentee
13 ballot.

14 Section 3. That chapter 12-19 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 Any voter identified as being covered by the Uniformed and Overseas Citizens Absentee
17 Voting Act (42 U.S.C. 1973ff-1) as of January 1, 2005, may submit an application or request
18 for an absentee ballot by facsimile or emailed image to the person in charge of the election.

19 Section 4. That § 12-1-12 be repealed.

20 ~~—12-1-12. No person may display any campaign material in a county courthouse during the~~
21 ~~six weeks prior to and including election day. No political party may maintain an office in a~~
22 ~~county courthouse.~~

23 Section 5. That § 12-1-3 be amended by adding thereto a NEW SUBDIVISION to read as
24 follows:

1 "Polling place," a designated place voters may go to vote;

2 Section 6. That § 12-19-43 be amended to read as follows:

3 12-19-43. The county auditor may direct the board to meet on election day prior to the
4 closing of the polls for the sole purpose of reviewing the absentee voters' affidavits appearing
5 on the sealed ballot envelopes, if in the auditor's judgment this procedure shall be necessary due
6 to the number of absentee ballots received. The absentee ballots may be opened, stamped, and
7 placed in the ballot box or processed by an automatic tabulating machine, but under no
8 circumstances shall ~~they the ballots be manually counted nor any vote totals printed or displayed~~
9 by any tabulating machine prior to the closing of the polls. If ballots are processed by an
10 automatic tabulating machine prior to the closing of the polls, the resolution board shall be
11 present and notification of such processing shall be provided to each county party chairperson
12 at least ten days before the election.